

Order

Entered: July 22, 2003

**Michigan Supreme Court
Lansing, Michigan**

Maura D. Corrigan,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman,
Justices

ADM File No. 2002-47

Amendment of Rule 3.203 of the Michigan Court Rules

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, Rule 3.203 of the Michigan Court Rules is amended, effective January 1, 2004.

[Rule 3.203 is amended as indicated below: new subrules (A)-(F) are added, and current subrules (B)-(D) are relettered.]

MCR 3.203 ~~Process~~ Service of Notice and Court Papers in Domestic Relations Cases

- (A) ~~Except as otherwise allowed by this rule, process must be served as provided in MCR 2.105.~~ Manner of Service. Unless otherwise required by court rule or statute, the summons and complaint must be served pursuant to MCR 2.105. In cases in which the court retains jurisdiction
- (1) notice must be provided as set forth in the statute requiring the notice. Unless otherwise required by court rule or statute, service by mail shall be to a party's last known mailing address, and
 - (2) court papers and notice for which the statute or court rule does not specify the manner of service must be served as provided in MCR 2.107, except that service by mail shall be to a party's last known mailing address.
- (B) Place of Service; After Entry of Judgment or Order. When a domestic relations judgment or order requires the parties to inform the friend of the court office of any changes in their mailing address, a party's last known mailing address means the most recent address
- (1) that the party provided in writing to the friend of the court office, or
 - (2) set forth in the most recent judgment or order entered in the case, or

- (3) the address established by the friend of the court office pursuant to subrule (D).
- (C) Place of Service; Before Entry of Judgment or Order. After a summons and complaint has been filed and served on a party, but before entry of a judgment or order that requires the parties to inform the friend of the court of any changes in their mailing address, the last known mailing address is the most recent address
- (1) set forth in the pleadings, or
- (2) that a party provides in writing to the friend of the court office.
- (D) Administrative Change of Address. The friend of the court office shall change a party's address administratively pursuant to the policy established by the state court administrator for that purpose when:
- (1) a party's address changes in another friend of the court office pursuant to these rules, or
- (2) notices and court papers are returned to the friend of the court office as undeliverable.
- (E) Service on Nonparties. Notice to a nonparty must be provided as set forth in the statute requiring the notice. Absent statutory direction, the notice may be provided by regular mail. Absent statutory direction, court papers initiating an action against nonparties to enforce a notice must be served in the same manner as a summons and complaint pursuant to MCR 2.105.
- (F) Confidential Addresses. When a court order makes a party's address confidential, the party shall provide an alternative address for service of notice and court papers.
- (B) - (D) [Relettered (G) - (I) but otherwise unchanged.]

Staff Comment: The July 22, 2003, amendment of MCR 3.203, effective January 1, 2004 clarified how notice required by statute or court rule is to be provided when the statute or court rule does not specify.

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 22, 2003 Corbin R. Davis

Clerk